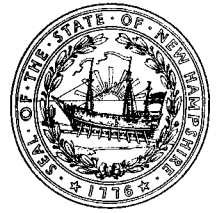




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

LETTER OF DEFICIENCY  
WD WQE 04 - 10  
November 12, 2004

Robyn L. Nelson  
165 West Road  
Canterbury, New Hampshire 03224

RE: Violations of RSA 485-A:17 and RSA 482-A  
Canterbury Tax Map 4, Lot 32  
Wetlands File # 2001- 2183

Dear Ms. Nelson:

On November 8, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of your property located in Canterbury, New Hampshire, more specifically identified on Canterbury Tax Map 4 as Lot 32 ("the Property"). The purpose of this inspection was to determine compliance with RSA 485-A:17, Env-Ws 415 and RSA 482-A:6, NH Admin. Rules Wt 100 *et seq.*

Based upon the field inspection, the following deficiencies were documented:

- a. In excess of 100,000 square feet of disturbance had taken place on the Property without an alteration of terrain permit from DES;
- b. A wetland crossing had been installed on the Property without a permit from DES;
- c. Erosion control measures had been installed on the Property, but required maintenance;
- d. The disturbed area was not stabilized and some erosion of unstable soils had taken place; rills and small areas of accumulated sediment were evident.

In response, you are requested to take the following action:

1. **Within 15 days of the date of this LOD**, prepare an erosion and sediment control plan ("Plan") for the Property, and submit said Plan to DES for review. The Plan shall include, at a minimum, temporary and permanent erosion control measures necessary to stabilize the site, protect surface water quality, and prevent further impacts to wetlands and surface waters. The Plan shall also include a schedule for implementing the measures described in the Plan.
2. **Within 20 days of the date of this LOD**, implement the Plan on the Property, as approved by DES, in accordance with the approved schedule.

3. **Within 30 days of the date of this LOD**, submit a Dredge and Fill application to the Wetlands Bureau for the unpermitted wetlands crossing.
4. **Within 45 days of the date of this LOD**, submit an Alteration of Terrain application to DES. The application shall be prepared by an engineer licensed in the State of New Hampshire, and in accordance with Env-Ws 415.05. The application shall include a delineation of all wetlands on the Property. The delineation must be completed by a certified wetlands scientist.

DES believes that the cited deficiencies can be corrected within the time periods established within this LOD. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 485-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties.

Following completion of the necessary work, please submit a letter to DES certifying that the work requested in this Letter of Deficiency has been completed and provide DES with photographs documenting each stage of the work. Submit your report and photographs to:

Ana Ford  
Department of Environmental Services  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Ana Ford at (603) 271-3380.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana Ford', is written over a large, stylized 'COPY' stamp.

Ana Ford,  
Compliance Specialist  
Land Resources Management Program

*Certified Mail RRR # 7099 3400 0002 9774 7381*

cc: Gretchen R. Hamel, DES Legal Unit Administrator  
James Martin, DES Public Information Officer  
Bill Thomas, DES Wetlands Bureau  
Jocelyn Degler, DES Wetlands Bureau  
Peter Holden, Holden Engineering & Surveying  
Canterbury Conservation Commission  
Canterbury Board of Selectmen